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November 10, 2016

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth St, S.W.
Washington, DC 20554

RE: Expanding the Economic and Innovation Opportunities of Spectrum
Through Incentive Auctions, GN Docket No. 12-268

Dear Ms. Dortch:

On November 3, 2016, Michael Gravino, Director of the LPTV Spectrum Rights Coalition, LLC (COALITION), met with eight (8) members of the FCC's Incentive Auction Task Force (IATF). In attendance from the FCC were: Mark J. Colombo (OET), Sasha Javid (IATF), Erin Griffith (IATF), Barbara Kreisman (MB), William Lake (MB), Gary Epstein (IATF), and Hillary DeNigro (MB).

The COALITION presented a series of issues and concerns it has for the repacking and LPTV displacement window. It also presented a new 84 MHz band plan impact analysis of the programming channels which will be displaced in the repack.

Respectfully submitted,

Michael Gravino
Director

1. ESTIMATE OF TO-BE-DISPLACED DIGITAL SUBCHANNELS AND TYPES

The COALITION submitted a new auction repack impact analysis based on the 84 MHz band plan, and its' affects on the digital channels each station carries, and which will be displaced by the new wireless band. These impacts do not include all of the impacts from being displaced by a moving primary, which literally double these numbers.

TOTAL INDUSTRY	PRIMARY	CLASS A	LPTV	TOTAL
# STATIONS (2-50)	1747	254	799	2800
# SUBCHANNELS	5030	715	2462	8207
# per license	2.88	2.81	3.08	2.93

84 MHZ BAND PLAN	PRIMARY	CLASS A	LPTV	TOTAL
# STATIONS (38-50)	443	84	264	791
# SUBCHANNELS	1364	208	793	2365
# per license	3.08	2.48	3.00	2.99

The COALITION then presented an analysis of the types of subchannels which can be expected to be displaced by the wireless users in the 84 MHz band plan:

SUBCHANNELS STUDIED	% TOTAL	# CHANNELS
ENTERTAINMENT	46%	540
RELIGIOUS	30%	348
FOREIGN LANGUAGE	14%	164
PBS	3%	39
SHOPPING	4%	49
NEWS	<1%	4
SPORTS	<1%	2
EDUCATION	<1%	0
LOCAL	<1%	3
CIVIC	<1%	8
TOURISM	<1%	8
ON-AIR GUIDE	<1%	4
WEATHER	<1%	0
	100%	1169

ENGLISH	83%	853
FOREIGN LANGUAGE	17%	164
		1017

2. **PRIMARY TEMPORARY CHANNELS**

Temporary channels, if authorized and used for short period of time by the primaries, should be included in the list of available channels in the LPTV & TV translator displacement window. In addition, the dates used in the new LPTV construction permit, which are 36 months long, should be extended to match the new dates matching when they vacate the temporary channel, and it is available for LPTV and or translators.

3. **AVAILABLE CHANNEL INFORMATION**

Both protected and unprotected licenses of all classes need to be told at the same time by the FCC which channels are available in their DMA.

4. **DMA ASSIGNMENTS**

The FCC needs to assign all LPTV and translators to a DMA since it is being used as the geographical area to be cleared within the 10 phases. LPTV and translators should not be expected to try to figure out which of the phases they will be in, the FCC should tell them.

5. **THE 10-PHASE & PEA CLEARING COORDINATION ISSUE**

There are timing issues related to obtaining a new construction permit in the displacement window, and being in a late-to-change phase, which creates coordination issues between protected and unprotected licenses. While the protected stations have a priority, the unprotected need to know as soon as possible the timelines involved.

6. **THE PROCESS NEEDS TO BE DEVELOPED TO APPLY FOR FLEXIBLE USE**

Auction eligible protected stations which are displaced, and do not take relocation funds, they are eligible to apply to the FCC to use a flexible use transmission system, including LTE. There has been considerable talk in the industry for stations to do this. But since the advent of the ATSC 3.0 standard, no one quite knows how many eligible stations will take advantage of this option. Nevertheless, a clearly laid out plan to do this should be done asap.

7. **THE PUBLIC TV (PTV) TRANSLATOR REQUEST**

PTV advocacy groups are recommending that their TV translators should get a priority in the repack because they are special. Our Coalition once again requests that the FCC explicitly follow the auction legislation, FCC rulemaking, and the courts, and that no translators should have priority over LPTV, nor are protected in the repack. PTV translators are no more worthy than the largest group of translators, the civic owned and operated ones. Why should a PBS station translator have a priority over a local government or education institution? We are suppose to be operating under "current rules" other than what was reported out in the 3rd LPTV Report and Order.

8. **REQUEST FOR A STATION MOVE PRIOR TO THE LPTV DISPLACEMENT WINDOW**
The FCC has not yet established a “process date” by which construction permits have to be built by in order to qualify for the displacement window, and/or to build. If a CP is not built by a date specific prior to the displacement window opening, then that CP should not show up as an available channel in the displacement window.
9. **WAIVER CRITERIA FOR A DISPLACEMENT CHANNEL MOVE**
The FCC, in the 3rd LPTV R&O, said that the process for finding a new displacement channel is to first look for a new channel on your tower, and/or from another tower within your existing contour, and that the contours of both stations overlap. If you are not satisfied with any of these potential channels, you then can apply for a waiver to go beyond your contour. While current rules are in effect, this waiver is suppose to be a way to mitigate LPTV and translator channel losses, so we need this process well defined.
10. **IS THERE A NEED FOR LPTV TEMPORARY CHANNELS**
Yes, and the rules should be the same for primaries and LPTV if the FCC allows temporary channels.